

# **EXHIBIT E**

## **Whole Foods Market Inc.'s Infringement of U.S. Patent No. 6,091,956**

Pursuant to P.R. 3-6 (a)(1), Plaintiff LBS Innovations LLC ("LBSI") hereby submits Amended Infringement Contentions based on the Court's Claim Construction Order (Dkt. 195). Accordingly, this document shows how Whole Foods Market Inc. ("Whole Foods") infringes Claim 11 of United States Patent No. 6,091,956 ("the '956 Patent").



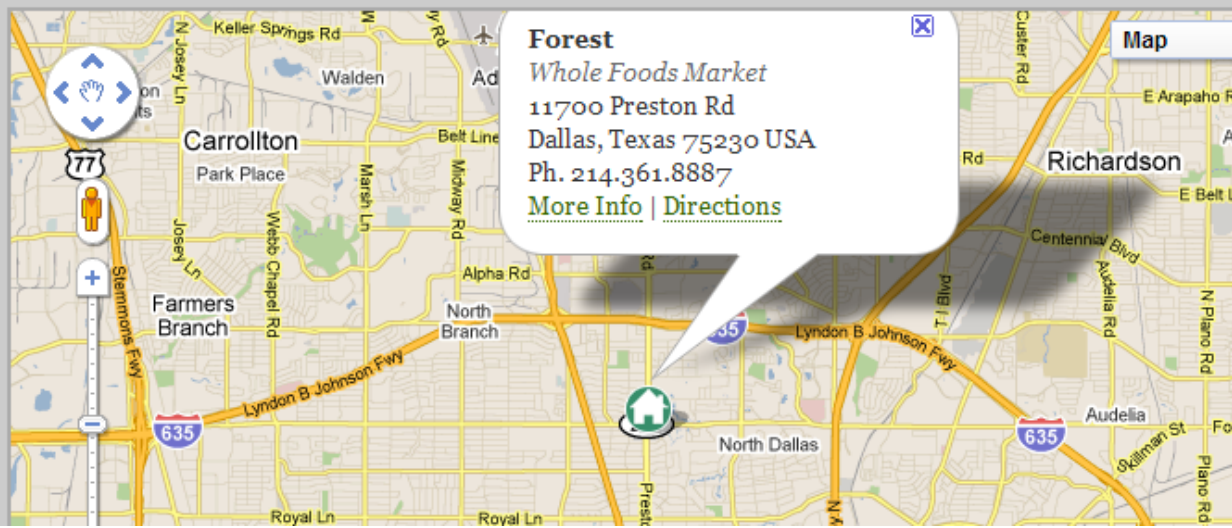
Whole Foods directly infringes Claim 11 of the '956 Patent when its employees, agents or representatives test the Whole Foods website, including the Whole Foods Store Locator, <http://wholefoodsmarket.com/stores/>, in connection with making it available to the general public. In so doing, Whole Foods has performed the claimed steps as described in Exhibit A involving the same "computer." The Whole Foods Store Locator also directly infringes the '956 Patent under the Doctrine of Equivalents as shown in Exhibit A.

Alternatively, Whole Foods indirectly infringes Claim 11 of the '956 Patent by inducing users to visit its website and utilize the Whole Foods Store Locator as shown in Exhibits B and C.

These charts are preliminary, and LBSI expects to supplement these charts once discovery has been obtained from Whole Foods confirming that Whole Foods infringes Claim 11 as set forth in these infringement contentions.

**Whole Foods Market Inc. Infringes U.S. Patent No. 6,091,956**  
**Exhibit A**

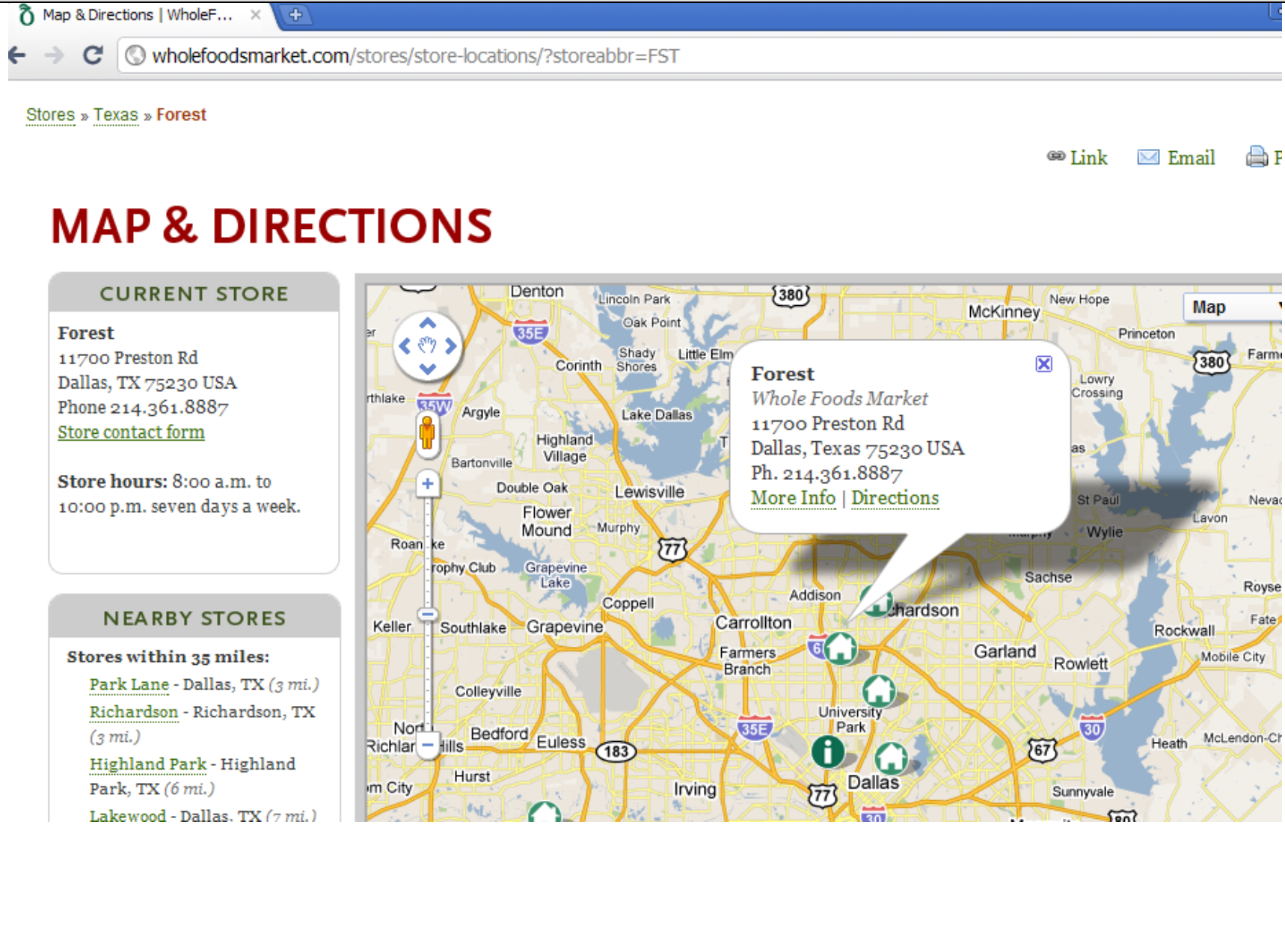
<b>U.S. Pat No. 6,091,956</b>	<b>Whole Foods Store Locator</b>
<p>11. A method of communicatively executing, including making apparent to the aural and tactile senses of the user, one or more transmittable mappable hypertext items representing people, organisms, and objects, including buildings, roads, vehicles, and signs, on a computer in a manner scalably representing interrelationships of said objects, comprising the steps of:</p>	<p>Pursuant to the Court's Claim Construction Order, the preamble, including "making apparent to the aural and tactile senses of the user," is not a limitation.</p> <p>Whole Foods Market Inc. has performed the steps of this claim by testing its website in connection with making it available to the general public. In so doing, the Whole Foods Store Locator directly infringes Claim 11 by communicating transmittable hypertext items representing objects (e.g., store locations). The locations are shown on scaled maps that show the relative position of these locations with respect to a location specified by the user. <i>See, e.g.</i>, the following screenshot showing various mapped locations. These steps are performed by Whole Foods involving the same "computer."</p>

<p>U.S. Pat No. 6,091,956</p>	<p>Whole Foods Store Locator</p>
<div data-bbox="317 167 2024 472"> <p>wholefoodsmarket.com/stores/store-locations/?storeabbr=FST</p> <div>  <p>SELLING THE HIGHEST QUALITY NATURAL &amp; ORGANIC PRODUCTS</p> </div> <div>  <p><b>Find your store:</b></p> <p>ZIP Code: <input type="text"/> <input type="button" value="SEARCH"/></p> <p><a href="#">All stores</a>   <a href="#">Canada stores</a>   <a href="#">UK stores</a>  <a href="#">Jobs at Whole Foods Market</a></p> </div> <div> <p>Welcome, Guest</p> <p><a href="#">Login / Register</a> <input type="checkbox"/></p> <p><a href="#">Customer Service</a>  <a href="#">Email Subscriptions</a></p> </div> <div> <p>Talk to us:</p> <p><a href="#">Twitter</a>  <a href="#">Facebook</a>  <a href="#">Flickr</a>  <a href="#">Our blog</a></p> </div> </div> <div data-bbox="317 472 2024 505"> <p>HOME STORES PRODUCTS RECIPES HEALTH STARTS HERE VALUES COMPANY SHOP</p> </div> <div data-bbox="317 505 2024 634"> <p>Stores » Texas » Forest</p> <p><a href="#">Link</a> <a href="#">Email</a></p> </div> <div data-bbox="317 634 2024 1414"> <h2>MAP &amp; DIRECTIONS</h2> <div> <div> <p><b>CURRENT STORE</b></p> <p><b>Forest</b>  11700 Preston Rd  Dallas, TX 75230 USA  Phone 214.361.8887  <a href="#">Store contact form</a></p> <p><b>Store hours:</b> 8:00 a.m. to  10:00 p.m. seven days a week.</p> </div> <div> <p><b>NEARBY STORES</b></p> <p>Stores within 35 miles:</p> </div> <div>  <div> <p><b>Forest</b>  <i>Whole Foods Market</i>  11700 Preston Rd  Dallas, Texas 75230 USA  Ph. 214.361.8887  <a href="#">More Info</a>   <a href="#">Directions</a></p> </div> </div> </div> </div>	

U.S. Pat No. 6,091,956	Whole Foods Store Locator
<p>a. searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field,</p>	<p>The Whole Foods Store Locator satisfies step (a) by performing the step of “searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field.”</p> <p>During Whole Foods’ testing of the Whole Foods Store Locator, a Whole Foods employee, agent or representative user enters a search criteria (e.g., a zip code) and clicks the “Search” button in the above web form, a database of unique mappable information code sequences is searched based on the user-entered search criteria. The user-entered search criteria in this example are locations near the zip code 75229. Each entry in this database of stores is a unique mappable information code sequence, because each entry contains information about the location to which it corresponds, including geographical coordinates, which allow the location to be shown on the map. LBSI believes the Whole Foods Store Locator searches a database of unique mappable information code sequences corresponding to locations for at least the following reasons:</p> <p>The publicly-available code for the Whole Foods Store Locator shows that it contains a number of elements that are populated with information about particular Whole Foods locations. An example entry from the map for one of the Whole Foods locations identified in the map above is excerpted below.</p> <pre> ""Store Location","iconfolder":"store","categorynumber":7,"status":1,"tlc":"LCC"},{"lat":"32.907731","lng":"-96.803928","label":"Forest","location":"Whole Foods Market","products":&lt;p&gt;11700 Preston Rd&lt;br/&gt;Dallas, Texas 75230 USA&lt;br/&gt;Ph. 214.361.8887&lt;br/&gt;" </pre> <p>This example shows that a database entry for a location contains, “an item reference field, a name field, a location field including said geographical coordinates, and a data field.” The following list identifies exemplars for each of these fields:</p> <ul style="list-style-type: none"> <li>• An item reference field: Presumably, each location includes an identifier, e.g., a database record number, a location number, etc. Each location also includes a unique value for the variable “categorynumber” (e.g., “categorynumber:7”)</li> <li>• A name field: “","label":"Forest”</li> <li>• A location field including said geographical coordinates: " ","lat":"32.907731","lng":"-96.803928”</li> <li>• A data field: “Ph. 214.361.8887” (one of several data fields).</li> </ul> <p>The Whole Foods Store Locator presumably runs a search by comparing the user-entered search criteria to geographical locations of Whole Foods locations in a database to identify the Whole Foods locations geographically closest to the user-entered search criteria.</p> <p>During Whole Foods testing of the Whole Foods Store Locator, this step is performed involving the same “computer” involved in performing the other steps of this claim.</p>

U.S. Pat No. 6,091,956	Whole Foods Store Locator
<p>b. converting said coordinates to an appropriately proportionate representation on said computer, and</p>	<p>The Whole Foods Store Locator satisfies step (b) by performing the step of “converting said coordinates to an appropriately proportionate representation on said computer.”</p> <p>During Whole Foods testing of the Whole Foods Store Locator, the Whole Foods Store Locator returns a map according to the zoom level specified for the map to be displayed. For example, the Whole Foods Store Locator uses the following Javascript code to return a map according to a predetermined zoom level involving the same “computer” performing the other steps of this claim.</p> <pre>“function loadMap(){     directionsDisplay = new google.maps.DirectionsRenderer();      var latLng = new google.maps.LatLng(storeLat,storeLon);     var myOptions = {         zoom: 12,         center: latLng,         mapTypeControlOptions: {style: google.maps.MapTypeControlStyle.DROPDOWN_MENU},         mapTypeId: google.maps.MapTypeId.ROADMAP     };”</pre> <p>The Whole Foods Store Locator also returns a map according to a predetermined size. For example, the exemplary code below defines the map size:</p> <pre>“#map_container{     background:url(../images/store_map_clean.png) no-repeat scroll top left;     float:left;     width:960px;     height:700px;     overflow:hidden;     display:block; ”</pre> <p>Based on the layout of the Whole Foods Store Locator, the zoom level and size each provide for the display of an appropriately proportionate representation.</p>
<p>c. displaying selectably scalably said items on said</p>	<p>The Whole Foods Store Locator satisfies step (c) by performing the step of “displaying selectably scalably said items on said computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.”</p>

U.S. Pat No. 6,091,956	Whole Foods Store Locator
<p>computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.</p>	<p>During Whole Foods testing of the Whole Foods Store Locator, the Whole Foods Store Locator causes the mappable hypertext items that are displayed on a map to appear on the user-entered search criteria involving the same “computer” that performs steps (a) and (b) above. The scale (or zoom) of the map is initialized to a predetermined value but a different scale map may be selected by the user. For example, a different scale may be performed by selecting the “+” or “-” symbols displayed on the left side of the map. Selecting the “+” symbol results in zooming in on the displayed map, whereas selecting the “-” symbol results in zooming out of the displayed map.</p> <p>The map image displays hypertext items corresponding to the user-entered search criteria. Information displayed about places or locations, including an event, or condition, occurring or about to occur at the places or locations based upon the user-entered search criteria, such as current address, contact, and store hours information about the selected store as well as nearby stores that are currently open. The locations are geographically relevant (e.g., closest in distance amongst all of the locations) to the user-entered search criteria. Further, each of the locations are displayed on a map, and are thus, “mapped in the context of spatial information, including appropriate to a geographical or other area.”</p> <p>The mappable hypertext items, e.g., the markers representing the locations, are received, mapped and optionally executable to provide additional situation information. The markers are received and displayed on the map according to the coordinates associated with each location. Each marker may be “optionally executable” when the “More Info” and “Directions” link is clicked the user is taken to that particular store’s page where additional timely situation information is provided or the user is provided with detailed directions. Accordingly, the “additional situation information” is the information displayed in response to clicking links associated with a given marker.</p>



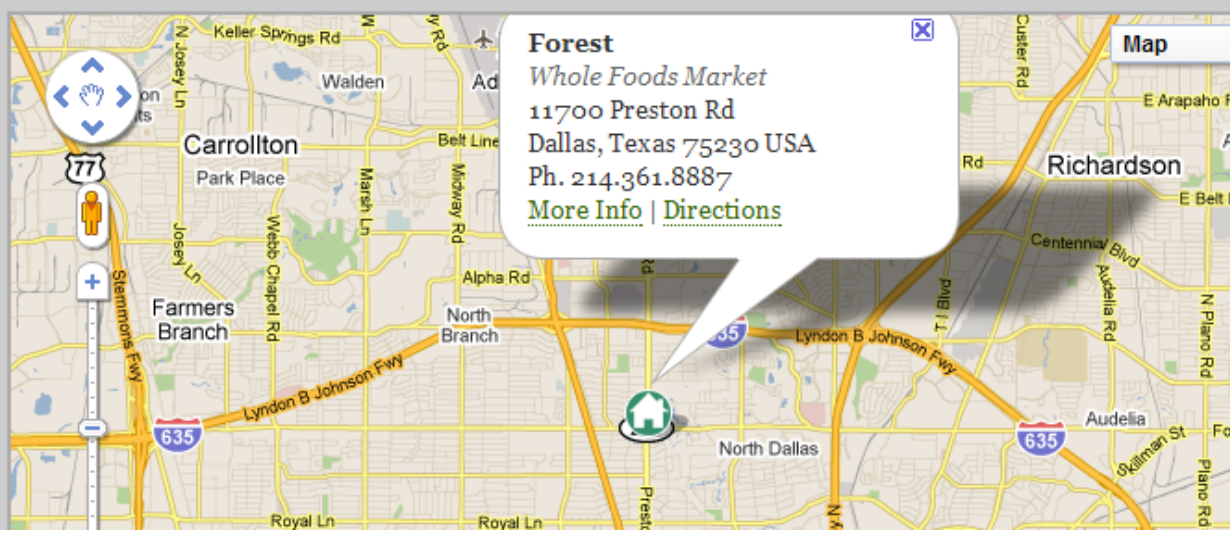
<p>U.S. Pat No. 6,091,956</p>	<p>Whole Foods Store Locator</p>
	 <p>The screenshot displays the 'Whole Foods Store Locator' web application. The browser address bar shows 'wholefoodsmarket.com/stores/store-locations/?storeabbr=FST'. The page has a breadcrumb trail: 'Stores » Texas » Forest'. Navigation links for 'Link', 'Email', and 'Print' are visible. The main heading is 'MAP &amp; DIRECTIONS' in large red letters. On the left, a 'CURRENT STORE' box for 'Forest' provides the address '11700 Preston Rd, Dallas, TX 75230 USA', phone '214.361.8887', a link to the 'Store contact form', and store hours '8:00 a.m. to 10:00 p.m. seven days a week'. Below this, a 'NEARBY STORES' box lists 'Stores within 35 miles': 'Park Lane - Dallas, TX (3 mi.)', 'Richardson - Richardson, TX (3 mi.)', 'Highland Park - Highland Park, TX (6 mi.)', and 'Lakewood - Dallas, TX (7 mi.)'. The map on the right shows the Dallas area with a callout for the 'Forest' store at '11700 Preston Rd, Dallas, Texas 75230 USA', including a 'More Info' link and a 'Directions' link. The map includes various navigation controls like a compass, a person icon, and zoom in/out buttons.</p>



U.S. Pat No. 6,091,956	Whole Foods Store Locator
	<p>The above steps are also performed when the Whole Foods Store Locator communicatively executes transmittable hypertext items to end users under the Doctrine of Equivalence. In particular, the Whole Foods Store Locator infringes step (c) under the doctrine of equivalents, because the Whole Foods Store Locator performs substantially the same function in substantially the same way to achieve substantially the same results and any alleged differences between the Whole Foods Store Locator and step (c) are insubstantial.</p> <p>Under the Court's construction of "said computer," "displaying...on said computer" requires the computer which performed steps (a) and (b) of Claim 11 to cause the mappable hypertext items to appear on the same computer. While the Whole Foods Store Locator literally performs steps (a) and (b) and the step of "displaying" as construed by the Court (i.e., the Whole Foods Store Locator "displays" the mappable hypertext items by causing them to appear), the Whole Foods Store Locator may not cause the items to appear on the same computer (e.g., Whole Foods' own computer); the items are caused to appear on a different computer (e.g., a user's computer). However, causing the items to appear on the same computer or a different computer is an insubstantial difference, and the Whole Foods Store Locator infringes element (c) under the doctrine of equivalents by performing substantially the same function in substantially the same way to achieve substantially the same result as follows:</p> <p><b>Function:</b> The function of element (c) is recited in the claim: "display timely situation information mapped in the context of spatial information." The Whole Foods Store Locator performs this function by causing store locations which are relevant to the user-entered search criteria to appear.</p> <p><b>Way:</b> The way the Whole Foods Store Locator performs this function is by preparing instructions (e.g., computer code) for causing certain store locations to appear on the computer. The instructions are transmitted to a computer with a program (e.g., a browser) that can interpret the instructions.</p> <p><b>Result:</b> The result of element (c) is that the items are displayed on a computer. For example, the program (e.g., a browser) interprets the instructions to display the items. Under the Court's construction of "said computer," the same computer that prepared the instructions also includes the browser for displaying the items. However, it is a substantially the same result to have the instructions communicated to a second computer which includes a program (e.g., a browser) that interprets the instructions to display the items. The instructions do not need to be modified in any way for display by the program on the second computer, because the programs must operate similarly to ensure that the items are displayed as intended. The only difference would be to establish a communication link between the computer and the second computer, to allow the computer to transmit the instructions to the second computer.</p>

**Whole Foods Market Inc. Store Locator Infringes U.S. Patent No. 6,091,956**  
**Exhibit B**

U.S. Pat No. 6,091,956	Whole Foods Store Locator
11. A method of communicatively executing, including making apparent to the aural and tactile senses of the user, one or more transmittable mappable hypertext items representing people, organisms, and objects, including buildings, roads, vehicles, and signs, on a computer in a manner scalably representing interrelationships of said objects, comprising the steps of:	<p>Pursuant to the Court's Construction Order, the preamble, including "making apparent to the aural and tactile senses of the user," is not a limitation.</p> <p>Whole Foods induces infringement of Claim 11 by causing a user's computer, and in particular, an Internet browser on the user's computer, to communicate transmittable hypertext items representing objects (e.g., places or store locations) which are received from the Whole Foods Store Locator. The places or locations are shown on scaled maps that show the relative position of these locations with respect to a location specified by the user. <i>See, e.g.</i>, the following screenshot showing various mapped locations.</p>

U.S. Pat No. 6,091,956	Whole Foods Store Locator
	<div data-bbox="325 167 2022 475"> <p>wholefoodsmarket.com/stores/store-locations/?storeabbr=FST</p> <div>  <p>SELLING THE HIGHEST QUALITY NATURAL &amp; ORGANIC PRODUCTS</p> </div> <div>  <p><b>Find your store:</b></p> <p>ZIP Code: <input type="text"/> <input type="button" value="SEARCH"/></p> <p><a href="#">All stores</a>   <a href="#">Canada stores</a>   <a href="#">UK stores</a>  <a href="#">Jobs at Whole Foods Market</a></p> </div> <div> <p><b>Welcome, Guest</b></p> <p><a href="#">Login / Register</a> <input type="checkbox"/></p> <p><a href="#">Customer Service</a>  <a href="#">Email Subscriptions</a></p> </div> <div> <p><b>Talk to us:</b></p> <p><a href="#">Twitter</a>  <a href="#">Facebook</a>  <a href="#">Flickr</a>  <a href="#">Our blog</a></p> </div> </div> <div data-bbox="325 475 2022 508"> <p>HOME STORES PRODUCTS RECIPES HEALTH STARTS HERE VALUES COMPANY SHOP</p> </div> <p>Stores » Texas » Forest</p> <p><a href="#">Link</a> <a href="#">Email</a> <a href="#">Print</a></p> <h2>MAP &amp; DIRECTIONS</h2> <div data-bbox="380 751 772 1157"> <p><b>CURRENT STORE</b></p> <p><b>Forest</b>  11700 Preston Rd  Dallas, TX 75230 USA  Phone 214.361.8887  <a href="#">Store contact form</a></p> <p><b>Store hours:</b> 8:00 a.m. to  10:00 p.m. seven days a week.</p> </div> <div data-bbox="380 1182 772 1287"> <p><b>NEARBY STORES</b></p> <p>Stores within 35 miles:</p> </div> <div data-bbox="793 751 2022 1287">  </div>

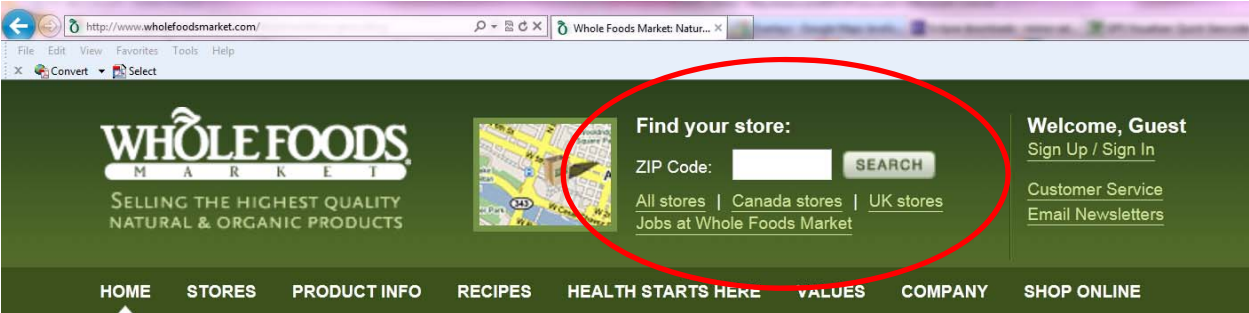
U.S. Pat No. 6,091,956	Whole Foods Store Locator
<p>a. searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field,</p>	<p>Whole Foods induces a user visiting the Whole Foods Store Locator using a “computer” to perform the step of “searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field.”</p> <p>When the user enters search criteria (e.g., a city and state or a zip code, and optionally a type of location) and clicks the “FIND LOCATIONS” button, the user’s computer causes a search of a database of unique mappable information code sequences for a field containing geographical coordinates. By requiring that the user-entered search criteria include geographical information (e.g., city/state or zip code), the search caused to be performed by the user’s computer is limited to a search for geographical coordinates. The user-entered search criteria in this example are all Whole Foods locations near the zip code 75219, which the user’s computer uses to construct a query string: <a href="http://wholefoodsmarket.com/stores/store-list/?zipcode=75219&amp;source=header&amp;x=34&amp;y=1">http://wholefoodsmarket.com/stores/store-list/?zipcode=75219&amp;source=header&amp;x=34&amp;y=1</a>. The user’s computer sends the query string is sent to a Whole Foods computer (e.g., a server) which parses the query string to identify the search parameters – “zip code = 75219”. The Whole Foods computer compares the search parameters to Whole Foods store location entries in a database. Each entry in this database of locations is a unique mappable information code sequence, because each entry contains information, including geographical coordinates, about the Whole Foods location to which it corresponds.</p> <p>The publicly-available code for the Whole Foods Store Locator shows that it contains a number of elements that are populated with information about particular Whole Foods locations. An example entry from the map for one of the Whole Foods locations identified in the map above is excerpted below.</p> <pre>""Store Location","iconfolder":"store","categorynumber":7,"status":1,"tlc":"LCC"},{"lat":"32.907731","lng":"-96.803928","label":"Forest","location":"Whole Foods Market","products":"&lt;p&gt;11700 Preston Rd&lt;br/&gt;Dallas, Texas 75230 USA&lt;br/&gt;Ph. 214.361.8887&lt;br/&gt;"</pre> <p>This example shows that a database entry for a location contains, “an item reference field, a name field, a location field including said geographical coordinates, and a data field.” The following list identifies exemplars for each of these fields:</p> <ul style="list-style-type: none"> <li>• An item reference field: Presumably, each location includes an identifier, e.g., a database record number, a location number, etc. Each location also includes a unique value for the variable “categorynumber” (e.g., “categorynumber”:7”)</li> <li>• A name field: “”, “label”: “Forest”</li> <li>• A location field including said geographical coordinates: “ ”, “lat”: “32.907731”, “lng”: “-96.803928”</li> <li>• A data field: “Ph. 214.361.8887” (one of several data fields).</li> </ul> <p>The Whole Foods Store Locator computer presumably compares the user-entered search criteria to the geographical locations of entries of Whole Foods store locations in a database to identify the Whole Foods store locations geographically closest to the user-entered search criteria.</p>

U.S. Pat No. 6,091,956	Whole Foods Store Locator
	The “computer” used by the user to perform this step is the same “computer” used to perform the other steps of this claim.
b. converting said coordinates to an appropriately proportionate representation on said computer, and	<p>Whole Foods induces a user visiting the Whole Foods Store Locator using a “computer” to perform the step of “converting said coordinates to an appropriately proportionate representation on said computer.”</p> <p>The user’s computer includes a program (e.g., a browser) which converts computer code received from the Whole Foods computer into a map according to a predetermined zoom level and predetermined size. For example, the Whole Foods Store Locator uses the following Javascript code to return a map according to a predetermined zoom level.</p> <pre> “function loadMap(){     directionsDisplay = new google.maps.DirectionsRenderer();      var latLng = new google.maps.LatLng(storeLat,storeLon);     var myOptions = {         zoom: 12,         center: latLng,         mapTypeControlOptions: {style: google.maps.MapTypeControlStyle.DROPDOWN_MENU},         mapTypeId: google.maps.MapTypeId.ROADMAP     };” </pre> <p>The Whole Foods Store Locator also returns a map according to a predetermined size. For example, the exemplary code below defines the map size:</p> <pre> “#map_container{     background:url(../images/store_map_clean.png) no-repeat scroll top left;     float:left;     width:960px;     height:700px;     overflow:hidden;     display:block; ” </pre> <p>Based on the layout of the Whole Foods Store Locator, the zoom level and size each provide for the display of an appropriately proportionate representation.</p> <p>The “computer” used by the user to perform this step is the same “computer” used to perform the other steps of this claim.</p>




U.S. Pat No. 6,091,956	Whole Foods Store Locator
c. displaying selectably scalably said items on said computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.	<p>Whole Foods induces a user visiting the Whole Foods Store Locator to perform the step of “displaying selectably scalably said items on said computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.”</p> <p>The user’s computer includes a program (e.g., a browser) that causes the mappable hypertext items that are displayed on a map to appear on the user’s computer based on the user-entered search criteria. The scale (or zoom) of the map is initialized to a predetermined value but a different scale map may be selected by the user. For example, a different scale may be performed by selecting the “+” or “-” symbols displayed on the left side of the map. Selecting the “+” symbol results in zooming in on the displayed map, whereas selecting the “-” symbol results in zooming out of the displayed map.</p> <p>The map image displays hypertext items corresponding to the user-entered search criteria. Information displayed about places or locations based upon the user-entered search criteria constitutes timely situation information, including, an event, or condition, occurring or about to occur at the places or locations, such as a place’s current address, hours of operation, contact information, the location of the place in relation to other geographical markers, and similar information about nearby stores. The locations are displayed on a map, and are thus, “mapped in the context of spatial information, including appropriate to a geographical or other area.”</p> <p>The mappable hypertext items, e.g., the markers representing the locations, are received, mapped and optionally executable to provide additional situation information. The markers are received and displayed on the map according to the coordinates associated with each location. Each marker may also be “optionally executable,” when the user selects the link “More Info,” the user is taken to that particular store’s page where additional timely situation information is provided (e.g., store calendar, featured sale items, and store events) or when the user clicks the link “Directions” to receive detailed directional information to the selected store. Accordingly, the “additional situation information” is the information displayed in response to clicking links associated with a given marker.</p>


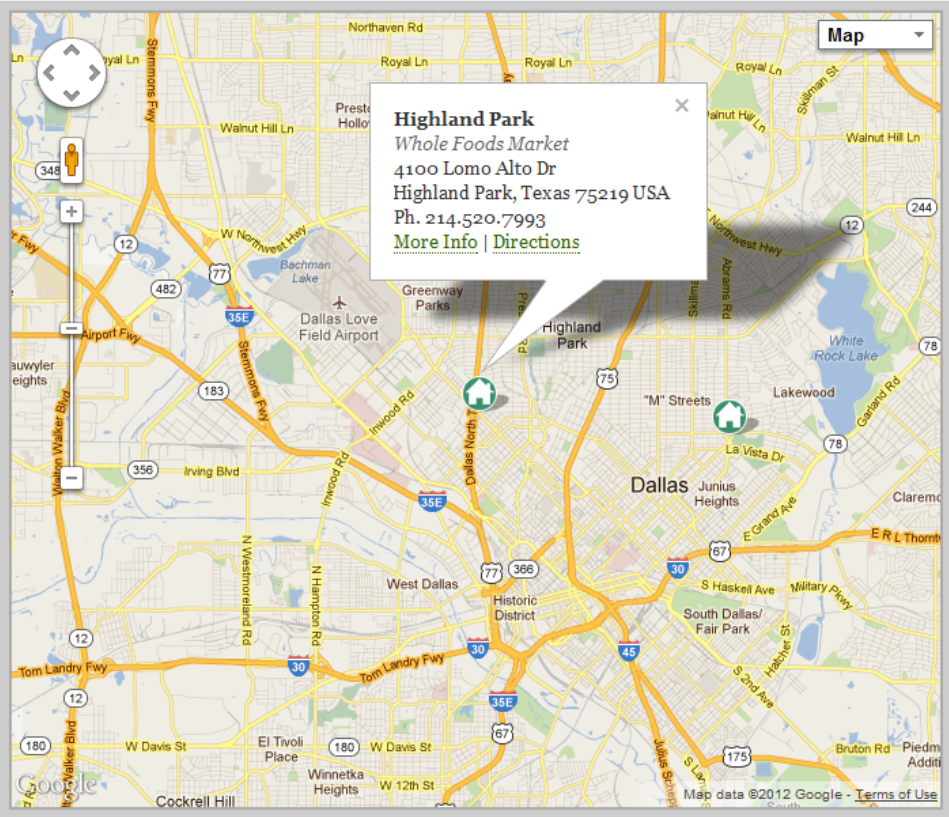
<p>U.S. Pat No. 6,091,956</p>	<p>Whole Foods Store Locator</p>
	<div data-bbox="331 167 2030 267"> <p>Map &amp; Directions   WholeF... x +</p> <p>wholefoodsmarket.com/stores/store-locations/?storeabbr=FST</p> </div> <div data-bbox="352 300 598 332"> <p>Stores » Texas » Forest</p> </div> <div data-bbox="1711 357 2030 389"> <p>Link Email Print</p> </div> <div data-bbox="388 430 976 495"> <h2>MAP &amp; DIRECTIONS</h2> </div> <div data-bbox="388 527 772 925"> <p><b>CURRENT STORE</b></p> <p><b>Forest</b>          11700 Preston Rd          Dallas, TX 75230 USA          Phone 214.361.8887  <a href="#">Store contact form</a></p> <p><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p> </div> <div data-bbox="388 958 772 1256"> <p><b>NEARBY STORES</b></p> <p><b>Stores within 35 miles:</b></p> <ul style="list-style-type: none"> <li><a href="#">Park Lane</a> - Dallas, TX (3 mi.)</li> <li><a href="#">Richardson</a> - Richardson, TX (3 mi.)</li> <li><a href="#">Highland Park</a> - Highland Park, TX (6 mi.)</li> <li><a href="#">Lakewood</a> - Dallas, TX (7 mi.)</li> </ul> </div> <div data-bbox="798 527 2030 1256"> <p><b>Forest</b>  <i>Whole Foods Market</i>          11700 Preston Rd          Dallas, Texas 75230 USA          Ph. 214.361.8887  <a href="#">More Info</a>   <a href="#">Directions</a></p> </div>

Whole Foods Market Inc. Infringes U.S. Patent No. 6,091,956  
Exhibit C

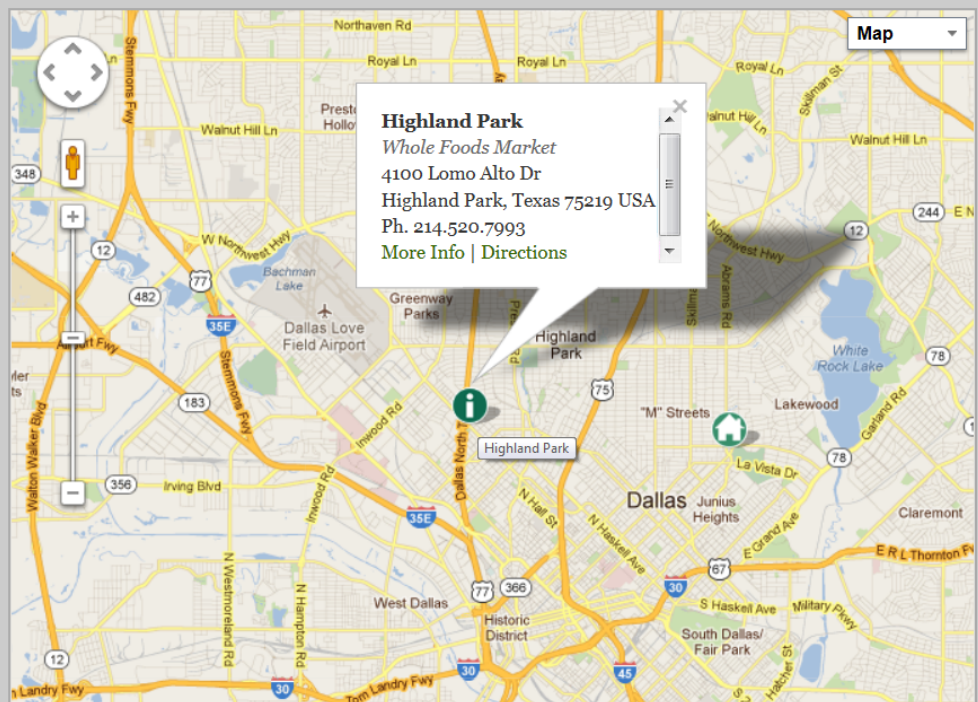
Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
<p>A method of communicatively executing, including making apparent to the aural and tactile senses of the user, one or more transmittable mappable hypertext items representing people, organisms, and objects, including buildings, roads, vehicles, and signs, on a computer in a manner scalably representing interrelationships of said objects, comprising the steps of:</p>	<p>The Court has ruled that the preamble, including making apparent to the aural and tactile senses of the user, is not a limitation.</p> <p>Whole Foods indirectly infringes Claim 11 by inducing website visitors visiting the Whole Foods Store Locator to perform the “method of communicatively executing, including making apparent to the aural and tactile senses of the user, one or more transmittable mappable hypertext items representing people, organisms, and objects, including buildings, roads, vehicles, and signs, on a computer in a manner scalably representing interrelationships of said objects.”</p> <p>A user that visits the Whole Foods website, <a href="http://www.wholefoodsmarket.com/">http://www.wholefoodsmarket.com/</a>, may find a Whole Foods store by entering in a zip code:</p> 



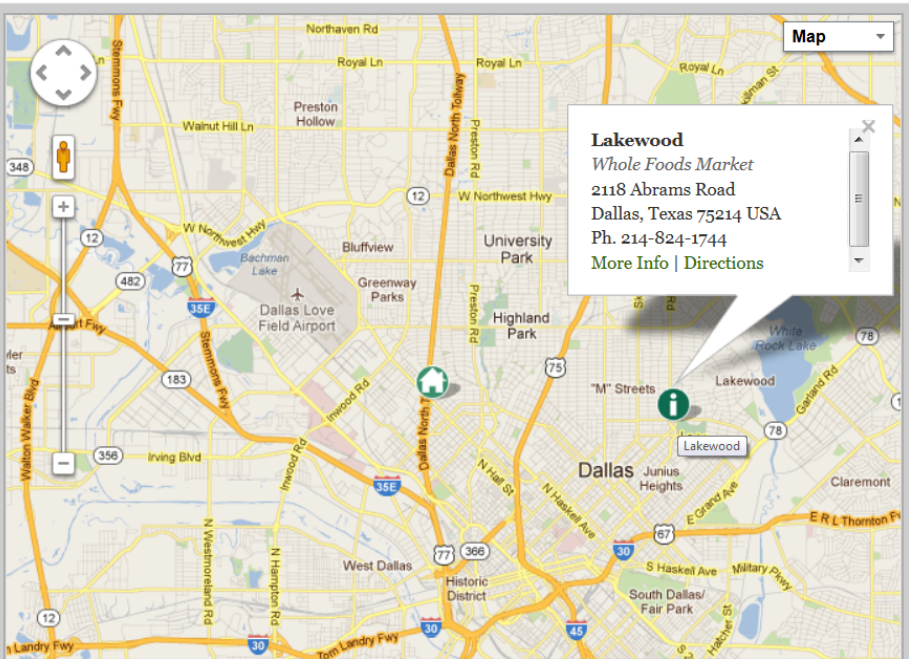
Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p data-bbox="552 269 1875 334">The Whole Foods Store Locator then takes the user to a separate page with a list of stores near the specified zip code, for example 75219:</p> <div data-bbox="552 337 1501 1398"><div data-bbox="552 337 1501 537"><div data-bbox="573 362 835 467"><p data-bbox="573 427 835 467">SELLING THE HIGHEST QUALITY NATURAL &amp; ORGANIC PRODUCTS</p></div><div data-bbox="892 370 1010 467"></div><div data-bbox="1024 370 1291 467"><p data-bbox="1024 370 1161 391">Find your store:</p><p data-bbox="1024 399 1291 423">ZIP Code: <input data-bbox="1108 399 1203 423" type="text"/> <input data-bbox="1213 399 1291 423" type="button" value="SEARCH"/></p><p data-bbox="1024 431 1291 467"><a href="#">All stores</a>   <a href="#">Canada stores</a>   <a href="#">UK stores</a> <a href="#">Jobs at Whole Foods Market</a></p></div><div data-bbox="1360 370 1501 467"><p data-bbox="1360 370 1501 391">Welcome, Guest</p><p data-bbox="1360 391 1501 407"><a href="#">Sign Up / Sign In</a></p><p data-bbox="1360 423 1501 467"><a href="#">Customer Service</a> <a href="#">Email Newsletters</a></p></div></div><div data-bbox="573 508 1459 529"><a href="#">HOME</a> <a href="#">STORES</a> <a href="#">PRODUCT INFO</a> <a href="#">RECIPES</a> <a href="#">HEALTH STARTS HERE</a> <a href="#">VALUES</a> <a href="#">COMPANY</a> <a href="#">SHOP ONLINE</a></div><div data-bbox="579 561 657 583"><p data-bbox="579 561 657 583">STORES</p></div><div data-bbox="579 605 730 849"><p data-bbox="579 605 657 621"><a href="#">Find a Store</a></p><p data-bbox="579 630 716 646"><a href="#">Find Cooking Classes</a></p><p data-bbox="579 654 709 670"><a href="#">Complete Store List</a></p><p data-bbox="579 678 674 695"><a href="#">Canada Stores</a></p><p data-bbox="579 703 730 719"><a href="#">United Kingdom Stores</a></p><p data-bbox="579 727 705 743"><a href="#">U.S. Stores by State</a></p><p data-bbox="579 751 726 768"><a href="#">Stores in Development</a></p><p data-bbox="579 776 688 792"><a href="#">Order Gift Cards</a></p><p data-bbox="579 800 684 816"><a href="#">Gift Cards FAQs</a></p><p data-bbox="579 824 674 841"><a href="#">A Better Bag™</a></p></div><div data-bbox="579 875 743 896"><p data-bbox="579 875 743 896">STORE DEPARTMENTS</p></div><div data-bbox="579 907 663 1248"><p data-bbox="579 907 625 924"><a href="#">Bakery</a></p><p data-bbox="579 932 611 948"><a href="#">Beer</a></p><p data-bbox="579 956 611 972"><a href="#">Bulk</a></p><p data-bbox="579 980 625 997"><a href="#">Cheese</a></p><p data-bbox="579 1005 663 1021"><a href="#">Coffee &amp; Tea</a></p><p data-bbox="579 1029 617 1045"><a href="#">Floral</a></p><p data-bbox="579 1053 632 1070"><a href="#">Grocery</a></p><p data-bbox="579 1078 678 1094"><a href="#">Meat &amp; Poultry</a></p><p data-bbox="579 1102 680 1118"><a href="#">Prepared Foods</a></p><p data-bbox="579 1127 632 1143"><a href="#">Produce</a></p><p data-bbox="579 1151 632 1167"><a href="#">Seafood</a></p><p data-bbox="579 1175 611 1192"><a href="#">Wine</a></p><p data-bbox="579 1200 657 1216"><a href="#">Whole Body</a></p><p data-bbox="579 1224 604 1240"><a href="#">Pets</a></p></div><div data-bbox="579 1304 791 1393"><div data-bbox="579 1304 791 1393"><p data-bbox="579 1304 791 1344">SIGN UP FOR OUR NEWSLETTERS</p><p data-bbox="579 1352 791 1393">GET THE LATEST SPECIALS, RECIPES AND MORE</p></div></div><div data-bbox="892 578 1108 599"><p data-bbox="892 578 1108 599">STORES NEAR 75219</p></div><div data-bbox="898 654 1050 675"><p data-bbox="898 654 1050 675">• Highland Park</p></div><div data-bbox="919 699 1087 849"><div data-bbox="919 699 1087 721"><input data-bbox="919 699 1087 721" type="button" value="MAKE THIS MY STORE"/></div><p data-bbox="919 751 1087 849">1.7 miles 4100 Lomo Alto Dr Highland Park, Texas Phone: 214-520-7993</p></div><div data-bbox="919 867 1178 888"><p data-bbox="919 867 1178 888"><a href="#">map &amp; directions</a>   <a href="#">Store web page</a></p></div><div data-bbox="898 907 1012 928"><p data-bbox="898 907 1012 928">• Lakewood</p></div><div data-bbox="919 953 1087 1102"><div data-bbox="919 953 1087 974"><input data-bbox="919 953 1087 974" type="button" value="MAKE THIS MY STORE"/></div><p data-bbox="919 1005 1087 1102">5.9 miles 2118 Abrams Road Dallas, Texas Phone: 214-824-1744</p></div><div data-bbox="919 1120 1178 1141"><p data-bbox="919 1120 1178 1141"><a href="#">map &amp; directions</a>   <a href="#">Store web page</a></p></div><div data-bbox="898 1161 1010 1182"><p data-bbox="898 1161 1010 1182">• Park Lane</p></div><div data-bbox="919 1206 1121 1356"><div data-bbox="919 1206 1087 1227"><input data-bbox="919 1206 1087 1227" type="button" value="MAKE THIS MY STORE"/></div><p data-bbox="919 1258 1121 1356">8.7 miles 8190 Park Lane, Suite 351 Dallas, Texas Phone: 214-342-4850</p></div><div data-bbox="919 1373 1178 1395"><p data-bbox="919 1373 1178 1395"><a href="#">map &amp; directions</a>   <a href="#">Store web page</a></p></div></div>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>When the user selects a specific store, such as the “Highland Park” store, from the list provided by the Whole Foods Store Locator, the browser on the user’s computer communicatively executes one or more transmittable mappable hypertext items in a manner scalably representing interrelationships of objects:</p> <p><b>MAP &amp; DIRECTIONS</b></p> <div data-bbox="590 532 877 824"> <p><b>CURRENT STORE</b></p> <p><b>Highland Park</b>  4100 Lomo Alto Dr  Highland Park, TX 75219 USA  Phone 214.520.7993  <a href="#">Store contact form</a></p> <p><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p> </div> <div data-bbox="590 849 877 1344"> <p><b>NEARBY STORES</b></p> <p><b>Stores within 35 miles:</b></p> <ul style="list-style-type: none"> <li><a href="#">Lakewood</a> - Dallas, TX (4 mi.)</li> <li><a href="#">Park Lane</a> - Dallas, TX (5 mi.)</li> <li><a href="#">Forest</a> - Dallas, TX (6 mi.)</li> <li><a href="#">Richardson</a> - Richardson, TX (9 mi.)</li> <li><a href="#">Plano</a> - Plano, TX (14 mi.)</li> </ul> <p> <b>DIRECTIONS</b></p> </div> <div data-bbox="894 532 1837 1344">  </div>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
<p>a. searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field,</p>	<p>Whole Foods induces website visitors visiting the Whole Foods Store Locator to perform the step of “searching each of one or more unique mappable information code sequences, each of which said code sequences serving to uniquely represent one of said items and copied from the memory of said computer or received from an alternate source, for a field containing geographical coordinates, said each of said code sequences includes an item reference field, a name field, a location field including said geographical coordinates, and a data field.”</p> <p>The phrase “mappable hypertext item” is construed to mean “text or one or more symbols, displayable on a map, that can be selected to access additional information.”</p> <p>When an end user’s browser receives an HTML document from the Whole Foods server containing the JavaScript and HTML code for the Whole Foods Store Locator, the browser parses and executes the code.</p> <p>Executing the code causes the browser to search “each of one or more unique mappable information code sequences...for a field containing geographical coordinates.”</p> <p>The unique mappable information code sequence, which is received from the Whole Foods server – “an alternate source” - uniquely, represents a mappable hypertext item, such as a marker representing a Whole Foods store location, for example, as shown below:</p> <div data-bbox="548 906 1824 1339"> </div> <p><a href="http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK">http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK</a></p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>The Whole Foods markers can be accessed to receive additional information by, for example, the user clicking on the marker. <i>See, e.g.</i>, the figures below:</p> <p><b>MAP &amp; DIRECTIONS</b></p> <div data-bbox="552 443 1848 1149"> <div> <p><b>CURRENT STORE</b></p> <p><b>Highland Park</b>  4100 Lomo Alto Dr  Highland Park, TX 75219 USA  Phone 214.520.7993  <a href="#">Store contact form</a></p> <p><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p> </div> <div> <p><b>NEARBY STORES</b></p> <p>Stores within 35 miles:</p> <p><a href="#">Lakewood</a> - Dallas, TX (4 mi.)  <a href="#">Park Lane</a> - Dallas, TX (5 mi.)  <a href="#">Forest</a> - Dallas, TX (6 mi.)  <a href="#">Richardson</a> - Richardson, TX (9 mi.)  <a href="#">Plano</a> - Plano, TX (14 mi.)</p> </div> <div>  </div> </div> <p><a href="http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK">http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK</a></p>



Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<div data-bbox="569 269 989 318"><h2>MAP &amp; DIRECTIONS</h2></div> <div data-bbox="569 337 1766 992"><div data-bbox="569 337 842 626"><p><b>CURRENT STORE</b></p><p><b>Highland Park</b> 4100 Lomo Alto Dr Highland Park, TX 75219 USA Phone 214.520.7993 <a href="#">Store contact form</a></p><p><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p></div><div data-bbox="569 643 842 992"><p><b>NEARBY STORES</b></p><p>Stores within 35 miles:</p><ul style="list-style-type: none"><li><a href="#">Lakewood</a> - Dallas, TX (4 mi.)</li><li><a href="#">Park Lane</a> - Dallas, TX (5 mi.)</li><li><a href="#">Forest</a> - Dallas, TX (6 mi.)</li><li><a href="#">Richardson</a> - Richardson, TX (9 mi.)</li><li><a href="#">Plano</a> - Plano, TX (14 mi.)</li></ul></div><div data-bbox="863 337 1766 992"><p>The map displays the Dallas, Texas metropolitan area with major highways and local streets. A callout box for the Lakewood store is shown, providing its address and contact information. The map includes a search bar at the top right and a list of nearby stores on the left.</p></div></div> <p><a href="http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK">http://wholefoodsmarket.com/stores/store-locations/?storeabbr=HPK</a></p> <p>The publicly available Whole Foods Store Locator website contains the code sequence that uniquely represents each of the mappable hypertext items and includes a field containing geographical coordinates, such as latitude and longitude information that matches zip codes through the use of geocoding. <i>See, e.g.,</i> the following code excerpt from the publicly available Whole Foods Store Locator website:</p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<pre> var storeMarker; var minLat = 24.88822; var maxLat = 46.97398; var minLng = -127.79306; var maxLng = -63.30434; var centerLat = 35.9311; var centerLng = -95.5487; var myMarkers = [{"lat": "49.2641209", "lng": "-123.1151641", "label": "Cambie", "location": "Whole Foods Market", "products": "&lt;p&gt; 510 West 8th Avenue&lt;br\\&gt;Vancouver, British Columbia V5Z 1C5 CAN&lt;br\\&gt;Ph. 778.370.4210&lt;br\\&gt;&lt;a href=\\\"\\\"stores\\\"/cambie\\\"&gt; More Info&lt;\\a&gt;\\n\\t  &lt;span style=\\\"padding-left:20px:\\\"&gt; &lt;\\span&gt;&lt;a onclick=\\\"javascript:openDirections('510 West 8th Avenue, Vancouver, British Columbia, V5Z 1C5 CAN');\\\" &gt; Directions&lt;\\a&gt;&lt;\\p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"CMB\"}, { \"lat\": \"49.268388\", \"lng\": \"-123.156918\", \"label\": \"Kitsilano\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; 2285 West 4th Avenue&lt;br\\&gt;Vancouver, British Columbia V6K 1N9 CAN&lt;br\\&gt;Ph. 604.739.6676&lt;br\\&gt;&lt;a href=\\\"\\\"stores\\\"/kitsilano\\\"&gt; More Info&lt;\\a&gt;\\n\\t  &lt;span style=\\\"padding-left:20px:\\\"&gt; &lt;\\span&gt;&lt;a onclick=\\\"javascript:openDirections('2285 West 4th Avenue, Vancouver, British Columbia, V6K 1N9 CAN');\\\" &gt; Directions&lt;\\a&gt;&lt;\\p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"KIT\"}, { \"lat\": \"49.290233\", \"lng\": \"-123.133193\", \"label\": \"Robson\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; 1675 Robson Street&lt;br\\&gt;Vancouver, British Columbia V6G 1C8 CAN&lt;br\\&gt;Ph. 604.687.5288&lt;br\\&gt;&lt;a href=\\\"\\\"stores\\\"/robson\\\"&gt; More Info&lt;\\a&gt;\\n\\t  &lt;span style=\\\"padding-left:20px:\\\"&gt; &lt;\\span&gt;&lt;a onclick=\\\"javascript:openDirections('1675 Robson Street, Vancouver, British Columbia, V6G 1C8 CAN');\\\" &gt; Directions&lt;\\a&gt;&lt;\\p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"RBS\"}, { \"lat\": \"49.325638\", \"lng\": \"-123.142193\", \"label\": \"West Vancouver\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; </pre>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>Each of the code sequences includes an item reference field, a name field, a location field including the geographical coordinates, and a data field. <i>See, e.g.,</i> the following:</p> <pre> var centerLat = 35.9311; var centerLng = -95.5487; var myMarkers = [{"lat": "49.2641209", "lng": "-123.1151641", "label": "Cambie", "location": "Whole Foods Market", "products": "&lt;p&gt; 510 West 8th Avenue&lt;br/&gt;Vancouver, British Columbia V5Z 1C5 CAN&lt;br/&gt;Ph. 778.370.4210&lt;br/&gt;&lt;a href=\"\\/stores\\/cambie\\\"&gt; More Info&lt;\\/a&gt;\\n\\t  &lt;span style=\"padding-left:20px:\\\"&gt; &lt;\\/span&gt;&lt;a onclick=\"\\\"javascript:openDirections('510 West 8th Avenue, Vancouver, British Columbia, V5Z 1C5 CAN');\\\" &gt; Directions&lt;\\/a&gt;&lt;\\/p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"CMB\"}, { \"lat\": \"49.268388\", \"lng\": \"-123.156918\", \"label\": \"Kitsilano\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; 2285 West 4th Avenue&lt;br/&gt;Vancouver, British Columbia V6K 1N9 CAN&lt;br/&gt;Ph. 604.739.6676&lt;br/&gt;&lt;a href=\"\\/stores\\/kitsilano\\\"&gt; More Info&lt;\\/a&gt;\\n\\t  &lt;span style=\"padding-left:20px:\\\"&gt; &lt;\\/span&gt;&lt;a onclick=\"\\\"javascript:openDirections('2285 West 4th Avenue, Vancouver, British Columbia, V6K 1N9 CAN');\\\" &gt; Directions&lt;\\/a&gt;&lt;\\/p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"KIT\"}, { \"lat\": \"49.290233\", \"lng\": \"-123.133193\", \"label\": \"Robson\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; 1675 Robson Street&lt;br/&gt;Vancouver, British Columbia V6G 1C8 CAN&lt;br/&gt;Ph. 604.687.5288&lt;br/&gt;&lt;a href=\"\\/stores\\/robson\\\"&gt; More Info&lt;\\/a&gt;\\n\\t  &lt;span style=\"padding-left:20px:\\\"&gt; &lt;\\/span&gt;&lt;a onclick=\"\\\"javascript:openDirections('1675 Robson Street, Vancouver, British Columbia, V6G 1C8 CAN');\\\" &gt; Directions&lt;\\/a&gt;&lt;\\/p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"RBS\"}, { \"lat\": \"49.325638\", \"lng\": \"-123.142193\", \"label\": \"West Vancouver\", \"location\": \"Whole Foods Market\", \"products\": \"&lt;p&gt; 925 Main St&lt;br/&gt;West Vancouver, British Columbia V7T 2Z3 CAN&lt;br/&gt;Ph. 604.678.0500&lt;br/&gt;&lt;a href=\"\\/stores\\/westvancouver\\\"&gt; More Info&lt;\\/a&gt;\\n\\t  &lt;span style=\"padding-left:20px:\\\"&gt; &lt;\\/span&gt;&lt;a onclick=\"\\\"javascript:openDirections('925 Main St, West Vancouver, British Columbia, V7T 2Z3 CAN');\\\" &gt; Directions&lt;\\/a&gt;&lt;\\/p&gt;\", \"image\": \"\", \"category\": \"Store Location\", \"iconfolder\": \"store\", \"categorynumber\": 7, \"status\": 1, \"tlc\": \"PRV\"}, </pre> <p>Annotations in the code block:</p> <ul style="list-style-type: none"> <li><b>location field</b>: points to the <code>lat</code> and <code>lng</code> coordinates in the first marker object.</li> <li><b>name field</b>: points to the <code>label</code> property in the first marker object.</li> <li><b>data field</b>: points to the <code>products</code> property in the first marker object.</li> <li><b>item reference field</b>: points to the <code>tlc</code> property in the first marker object.</li> </ul>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>The browser searches the code sequence associated with each marker shown above for geographical coordinates by, for example, executing the code associated with the function “setupStoreMarker(layer)” and “setupOfficeMarkers()”. See, e.g., the following code excerpts:</p> <pre> function setupStoreMarker(layer){     var markers = [];      //var layer = myMarkers[id];     var lats = layer["lat"];     var lngs = layer["lng"];     var title = layer["label"];      var htmls = generateInfoHTML(layer["label"],layer["location"],layer["products"],layer["image"]);     // Setup Icon     var iconFolder = layer["iconfolder"];     var categoryNumber = layer["categorynumber"];      var origIcon = '/localgrowers/images/map_icons/' + iconFolder + '/markers/image.png';     var image = new google.maps.MarkerImage(origIcon,         // This marker is 20 pixels wide by 32 pixels tall.         new google.maps.Size(28, 28),         // The origin for this image is 0,0.         new google.maps.Point(0,0),         // The anchor for this image is the base of the flagpole at 0,32.         new google.maps.Point(14, 28));     var shadow = new google.maps.MarkerImage('/localgrowers/images/map_icons/' + iconFolder + '/markers/shadow.png',         // The shadow image is larger in the horizontal dimension         // while the position and offset are the same as for the main image.         new google.maps.Size(42, 28),         new google.maps.Point(0,0),         new google.maps.Point(14, 28));     // Shapes define the clickable region of the icon.     // The type defines an HTML &lt;area&gt; element 'poly' which     // traces out a polygon as a series of X,Y points. The final     // coordinate closes the poly by connecting to the first     // coordinate.     var shape = {         coord: [1, 1, 1, 20, 18, 20, 18 , 1],         type: 'poly'     }; }; ... </pre>




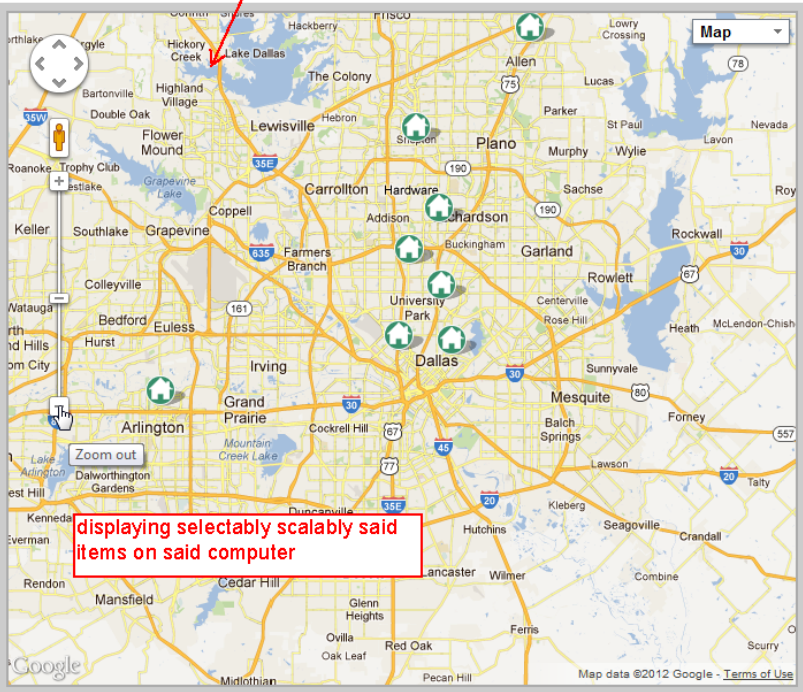
Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<pre> function setupOfficeMarkers() {     for (var i in myMarkers) {         //if(i == 0) alert("Marker 0:" + myMarkers[0]["label"]);         var layer = myMarkers[i];         var lats = layer["lat"];         var lngs = layer["lng"];         var title = layer["label"];         var storeMarkerID = "";          var htmls = generateInfoHTML(layer["label"],layer["location"],layer["products"],layer["image"]);          // Setup Icon         var iconFolder = layer["iconfolder"];         var categoryNumber = layer["categorynumber"];         //var status = \$("#filter_" + categoryNumber).val();         var status = 1;          if( layer["tlc"] == storeTlc){             status = 0;             setupStoreMarker(layer);         }     } } </pre>
b. converting said coordinates to an appropriately proportionate representation on said computer, and	<p>Whole Foods induces website visitors visiting the Whole Foods Store Locator to perform the step of “converting said coordinates to an appropriately proportionate representation on said computer.”</p> <p>The browser on the user’s computer converts each geographical coordinate identified to an appropriately proportionate representation on the user’s computer by creating each mappable hypertext item, for example by executing the code associated with the function “setupOfficeMarkers().” The latitude and longitude geographical coordinates that are searched and identified for each mappable information code sequence are used in creating each marker. The Whole Foods Store Locator identifies these geographical coordinates as variables “lats” and “lngs,” which it uses in the class “google.maps.LatLng(lats, lngs)” that contains part of the code for creating each marker. See, e.g., the following code excerpt:</p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<pre> function setupStoreMarker(layer){     var markers = [];      //var layer = myMarkers[id];     var lats = layer["lat"];     var lngs = layer["lng"];     var title = layer["label"];      var htmls = generateInfoHTML(layer["label"],layer["location"],layer["products"],layer["image"]);     // Setup Icon     var iconFolder = layer["iconfolder"];     var categoryNumber = layer["categorynumber"];      var origIcon = '/localgrowers/images/map_icons/' + iconFolder + '/markers/image.png';     var image = new google.maps.MarkerImage(origIcon,         // This marker is 20 pixels wide by 32 pixels tall.         new google.maps.Size(28, 28),         // The origin for this image is 0,0.         new google.maps.Point(0,0),         // The anchor for this image is the base of the flagpole at 0,32.         new google.maps.Point(14, 28));     var shadow = new google.maps.MarkerImage('/localgrowers/images/map_icons/' + iconFolder + '/markers/shadow.png',         // The shadow image is larger in the horizontal dimension         // while the position and offset are the same as for the main image.         new google.maps.Size(42, 28),         new google.maps.Point(0,0),         new google.maps.Point(14, 28));     // Shapes define the clickable region of the icon.     // The type defines an HTML &lt;area&gt; element 'poly' which     // traces out a polygon as a series of X,Y points. The final     // coordinate closes the poly by connecting to the first     // coordinate.     var shape = {         coord: [1, 1, 1, 20, 18, 20, 18 , 1],         type: 'poly'     };      // Create Marker     var posn = new google.maps.LatLng(lats, lngs);     storeMarker = new google.maps.Marker({         position: posn,         title:title,         icon:image,         shadow: shadow,         draggable:false     });      infowindow = new google.maps.InfoWindow({         content: htmls     }); </pre>

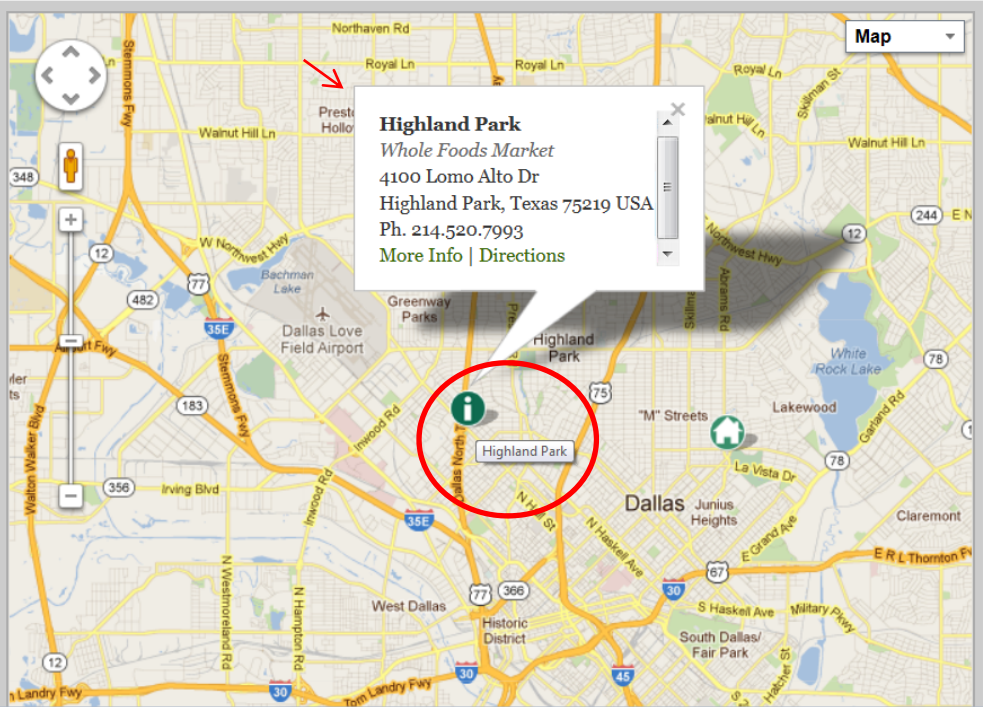
Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>The browser converts the latitude and longitude geographic coordinates to an appropriate proportionate representation for each marker on the user's computer. <i>See, e.g.,</i> the following:</p> <pre> function setupOfficeMarkers() {      for (var i in myMarkers) {         //if(i == 0) alert("Marker 0:" + myMarkers[0]["label"]);         var layer = myMarkers[i];         var lats = layer["lat"];         var lngs = layer["lng"];         var title = layer["label"];         var storeMarkerID = "";          var htmls = generateInfoHTML(layer["label"],layer["location"],layer["products"],layer["image"]);          // Setup Icon         var iconFolder = layer["iconfolder"];         var categoryNumber = layer["categorynumber"];         //var status = \$("#filter_" + categoryNumber).val();         var status = 1;          if( layer["tlc"] == storeTlc){             status = 0;             setupStoreMarker(layer);         }          if(status == 1){             var origIcon = '/localgrowers/images/map_icons/' + iconFolder + '/markers/image.png';             var image = new google.maps.MarkerImage(origIcon,                 // This marker is 20 pixels wide by 32 pixels tall.                 new google.maps.Size(28, 28),                 // The origin for this image is 0,0.                 new google.maps.Point(0,0),                 // The anchor for this image is the base of the flagpole at 0,32.                 new google.maps.Point(14, 28));             var shadow = new google.maps.MarkerImage('/localgrowers/images/map_icons/' + iconFolder + '/markers/shadow.png',                 // The shadow image is larger in the horizontal dimension                 // while the position and offset are the same as for the main image.                 new google.maps.Size(42, 28),                 new google.maps.Point(0,0),                 new google.maps.Point(14, 28));             // Shapes define the clickable region of the icon.             // The type defines an HTML &lt;area&gt; element 'poly' which             // traces out a polygon as a series of X,Y points. The final             // coordinate closes the poly by connecting to the first             // coordinate.             var shape = {                 coord: [1, 1, 1, 20, 18, 20, 18, 1],                 type: 'poly'             };         }          // Create Marker         var posn = new google.maps.LatLng(lats, lngs);         var marker = new google.maps.Marker({             position: posn,             title:title,             icon:image,             shadow: shadow,             draggable:false,             htmls: htmls         }); </pre>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
<p>c. displaying selectably scalably said items on said computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.</p>	<p>Whole Foods induces website visitors visiting the Whole Foods Store Locator to perform the step of “displaying selectably scalably said items on said computer whereby said user may quickly receive and display timely situation information mapped in the context of spatial information, including appropriate to a geographical or other area, in which said mappable hypertext items are quickly received, mapped, and optionally executably selected by said user to provide additional of said situation information or received, stored, and transmitted by a provider of said situation information.”</p> <p>The Court has construed this step in the following manner:</p> <p>“displaying selectably scalably said items on said computer,</p> <p>whereby said user may, quickly, receive and display timely situation information mapped in the context of spatial information, including spatial information appropriate to a geographical or other area, and</p> <p>whereby said mappable hypertext items are, quickly, either:</p> <p>(1) received, mapped, and optionally executably selected by said user to provide additional of said situation information; or</p> <p>(2) received by a provider of said situation information, stored by a provider of said situation information, and transmitted by a provider of said situation information”</p> <p>The term “displaying” is construed to mean “said computer causing to appear.”</p> <p>The browser causes the mappable hypertext items to appear on the user’s computer selectably scalably by executing the code for the function “loadMap()”. The variables “storeLat” and “storeLon” are based on the latitude and longitude information of the selected store, such as the “Highland Park” store with the item reference field “HPK.” These variables are used to center the map with a specified default scale (e.g., “zoom: 12”). <i>See, e.g.</i>, the following:</p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<pre> var storeLat = 32.820505; var storeLon = -96.815368; var storeTlc = "HPK"; var directionDisplay; var directionsService = new google.maps.DirectionsService();  function loadMap(){     directionsDisplay = new google.maps.DirectionsRenderer();      var latlng = new google.maps.LatLng(storeLat,storeLon);     var myOptions = {         zoom: 12,         center: latlng,         mapTypeControlOptions: {style: google.maps.MapTypeControlStyle.DROPDOWN_MENU},         mapTypeId: google.maps.MapTypeId.ROADMAP     };     map = new google.maps.Map(document.getElementById("sgmap"), myOptions);     directionsDisplay.setMap(map);     directionsDisplay.setPanel(document.getElementById("directions_results"));      setupOfficeMarkers(); } </pre> <p>The phrase “selectably scalably” means “capable of being chosen for adjustment in size or detail.” The specification teaches, for example, that “[a]ll the aforementioned items are displayed according to their geographic locations in the scale of the area to be viewed on the display, which area to be viewed is selectable and may be zoomed in or out...” Col. 22:51-55.</p> <p>The scale (or zoom) of the map is initialized to a predetermined value but a different scale map may be selected by the user. For example, a different scale may be performed by selecting the “+” or “-” symbols displayed on the left side of the map. Selecting the “+” symbol results in zooming in on the displayed map, whereas selecting the “-” symbol results in zooming out of the displayed map, as shown below:</p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<div data-bbox="573 277 942 318"><b>MAP &amp; DIRECTIONS</b></div> <div data-bbox="573 337 814 586"><div data-bbox="615 345 772 362">CURRENT STORE</div><div data-bbox="579 378 787 480"><b>Highland Park</b> 4100 Lomo Alto Dr Highland Park, TX 75219 USA Phone 214.520.7993 <a href="#">Store contact form</a></div><div data-bbox="579 501 783 542"><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</div></div> <div data-bbox="573 605 814 1024"><div data-bbox="615 613 772 630">NEARBY STORES</div><div data-bbox="585 647 758 664"><b>Stores within 35 miles:</b></div><div data-bbox="604 670 798 802"><a href="#">Lakewood</a> - Dallas, TX (4 mi.) <a href="#">Park Lane</a> - Dallas, TX (5 mi.) <a href="#">Forest</a> - Dallas, TX (6 mi.) <a href="#">Richardson</a> - Richardson, TX (9 mi.) <a href="#">Plano</a> - Plano, TX (14 mi.)</div><div data-bbox="585 995 787 1024"> DIRECTIONS</div></div> <div data-bbox="829 337 1627 1024"></div>


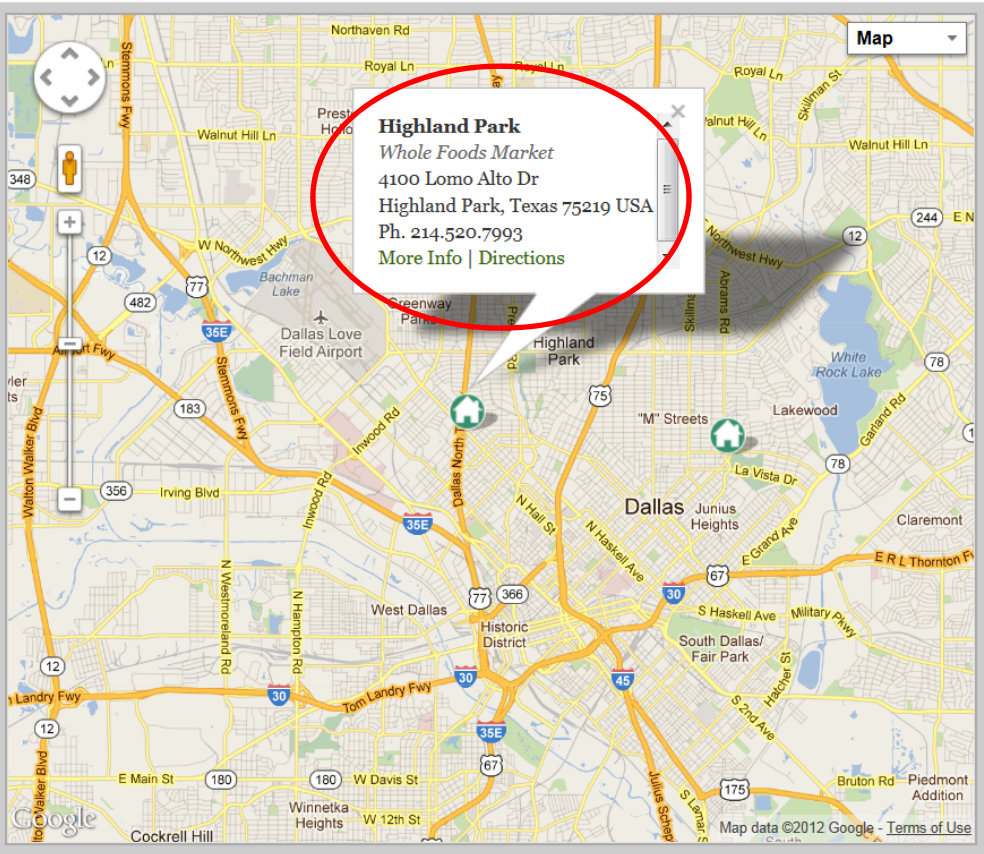
Additionally, the items may be chosen for adjustment in detail, for example, when the user mouses over or clicks on each item by changing the displayed image of the marker and providing situation information. See, e.g., the graphic below:

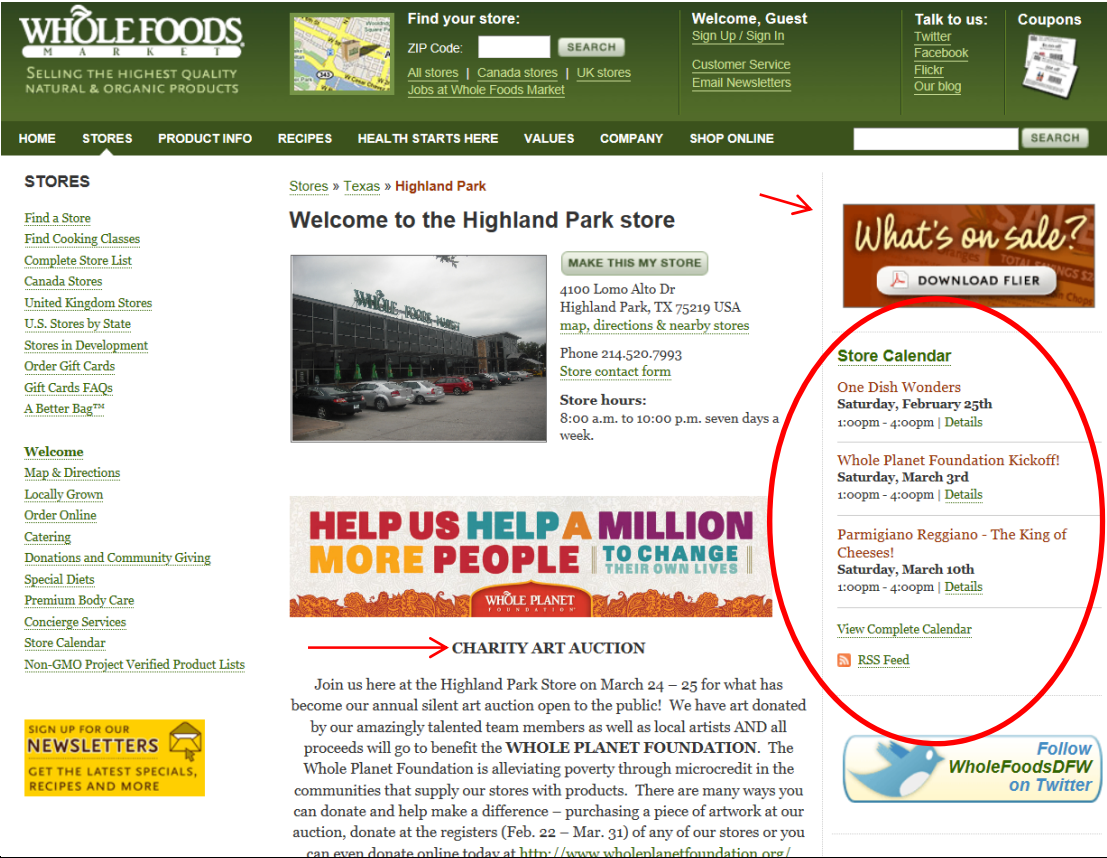
Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<div data-bbox="558 269 1010 318"><h2>MAP &amp; DIRECTIONS</h2></div> <div data-bbox="558 342 852 646"><div data-bbox="604 350 804 375"><b>CURRENT STORE</b></div><div data-bbox="562 391 814 597"><p><b>Highland Park</b> 4100 Lomo Alto Dr Highland Park, TX 75219 USA Phone 214.520.7993 <a href="#">Store contact form</a></p><p><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p></div></div> <div data-bbox="558 670 852 1044"><div data-bbox="604 678 804 703"><b>NEARBY STORES</b></div><div data-bbox="573 719 825 922"><p><b>Stores within 35 miles:</b></p><ul style="list-style-type: none"><li><a href="#">Lakewood</a> - Dallas, TX (4 mi.)</li><li><a href="#">Park Lane</a> - Dallas, TX (5 mi.)</li><li><a href="#">Forest</a> - Dallas, TX (6 mi.)</li><li><a href="#">Richardson</a> - Richardson, TX (9 mi.)</li><li><a href="#">Plano</a> - Plano, TX (14 mi.)</li></ul></div></div> <div data-bbox="873 342 1850 1044"><p>The screenshot displays a map of the Dallas area with a red circle highlighting the Highland Park store location. A callout box provides the following information:</p><ul style="list-style-type: none"><li><b>Highland Park</b></li><li><i>Whole Foods Market</i></li><li>4100 Lomo Alto Dr</li><li>Highland Park, Texas 75219 USA</li><li>Ph. 214.520.7993</li><li><a href="#">More Info</a>   <a href="#">Directions</a></li></ul></div> <p>The mappable hypertext items are displayed such that the “user may, quickly, receive and display timely situation information mapped in the context of spatial information, including spatial information appropriate to a geographical or other area.”</p> <p>The Court has construed the term “timely situation information” to mean “timely information about an event, or a condition, occurring or about to occur at a place.”</p> <p>The Whole Foods Store Locator provides timely situation information, including an event, or condition, occurring or about to occur at the places or locations displayed on the user’s computer, such as a place’s current address,</p>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>hours of operation, contact information, and the location of a place currently open for business. Each of the locations is displayed on a map that initially centers on the store selected by the user, and is thus, "mapped in the context of spatial information, including appropriate to a geographical or other area." <i>See, e.g.,</i> the following:</p> <pre> function setupOfficeMarkers() {     for (var i in myMarkers) {         //if(i == 0) alert("Marker 0:" + myMarkers[0]["label"]);         var layer = myMarkers[i];         var lats = layer["lat"];         var lngs = layer["lng"];         var title = layer["label"];         var storeMarkerID = "";          var htmls = generateInfoHTML(layer["label"],layer["location"],layer["products"],layer["image"]);          // Setup Icon         var iconFolder = layer["iconfolder"];         var categoryNumber = layer["categorynumber"];         //var status = \$("#filter_" + categoryNumber).val();         var status = 1;          if( layer["tlc"] == storeTlc){             status = 0;             setupStoreMarker(layer);         }     }      ...      // Add events     google.maps.event.addListener(marker, "click", function() {         infowindow.setContent(this.htmls);         infowindow.open(map,this);     });     google.maps.event.addListener(marker, "mouseover", function() {         lastIcon = marker.icon;         this.setIcon("/localgrowers/images/info.png");     });     google.maps.event.addListener(marker, "mouseout", function() {         this.setIcon(origIcon);     });     // Store Marker in Array     marker.setMap(map); } // END if } // END for infowindow.open(map,storeMarker); } // END setupOfficeMarkers </pre>



Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<pre> function generateInfoHTML(label, location, products, image){     var imgtag = "";     if(image!=""){         imgtag = "&lt;img src=\"\" + image + \"\" class=\"float\" alt=\"\" + label + \"\" width=\"50\" height=\"50\" /&gt;";     }     var html = "&lt;div class=\"gvendorinfo\"&gt;" + imgtag + "&lt;p class=\"vinfo\"&gt;&lt;strong&gt;" + label + "&lt;/strong&gt;&lt;br/&gt;&lt;span class=\"gvendor\"&gt;" + location + "&lt;/span&gt;" + products + "&lt;/p&gt;&lt;/div&gt;";      return html; }  loadMap(); \$("#directions_button").click(function(){     \$("#directions").toggleClass("directions-expanded", 800);     return false; }); </pre>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p data-bbox="552 269 1087 297">See also, the displayed situation information:</p> <div data-bbox="552 337 1866 1266"><div data-bbox="569 415 867 724"><p data-bbox="621 427 814 448"><b>CURRENT STORE</b></p><p data-bbox="577 467 806 594"><b>Highland Park</b> 4100 Lomo Alto Dr Highland Park, TX 75219 USA Phone 214-520-7993 <a href="#">Store contact form</a></p><p data-bbox="577 626 833 672"><b>Store hours:</b> 8:00 a.m. to 10:00 p.m. seven days a week.</p></div><div data-bbox="569 743 867 1036"><p data-bbox="621 760 814 781"><b>NEARBY STORES</b></p><p data-bbox="585 800 777 821"><b>Stores within 35 miles:</b></p><p data-bbox="611 829 823 850"><a href="#">Lakewood</a> - Dallas, TX (4 mi.)</p><p data-bbox="611 859 823 880"><a href="#">Park Lane</a> - Dallas, TX (5 mi.)</p><p data-bbox="611 888 798 909"><a href="#">Forest</a> - Dallas, TX (6 mi.)</p><p data-bbox="611 917 835 963"><a href="#">Richardson</a> - Richardson, TX (9 mi.)</p><p data-bbox="611 971 793 992"><a href="#">Plano</a> - Plano, TX (14 mi.)</p></div><div data-bbox="577 1214 858 1263"> <b>DIRECTIONS</b></div><div data-bbox="888 415 1866 1263"></div></div>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>Additionally, the mappable hypertext items are quickly “received, mapped, and optionally executably selected by said user to provide additional of said situation information.” The phrase “optionally executably selected...” is construed to mean “displayed in a manner that permits the user to select the item so as to provide additional situation information about the item.”</p> <p>When the user selects the link “More Info,” the user is taken to that particular store’s page where additional timely situation information is provided. <i>See, e.g.,</i> the following regarding the “Highland Park” store:</p> <div data-bbox="552 548 1652 1401"><p>The screenshot shows the Whole Foods Market website. The top navigation bar includes links for HOME, STORES, PRODUCT INFO, RECIPES, HEALTH STARTS HERE, VALUES, COMPANY, and SHOP ONLINE. The 'STORES' section is active, displaying a list of links for finding a store, cooking classes, and store locations. The main content area features a 'Welcome to the Highland Park store' section with a photo of the store, contact information, and a 'Store Calendar' section. A red circle highlights the 'Store Calendar' section, and a red arrow points to the 'What's on sale?' banner. The 'Store Calendar' lists events for February 25th and March 3rd. A 'CHARITY ART AUCTION' section is also visible, promoting an event for the Whole Planet Foundation.</p></div>

Claim 11 of U.S. Patent No. 6,091,956	Whole Foods Store Locator
	<p>See also, the following code excerpt that outlines the user's ability to "select the item so as to provide additional situation information about the item:"</p> <pre> var centerLat = 35.9311; var centerLng = -95.5487; var myMarkers = [{"lat": "49.2641209", "lng": "-123.1151641", "label": "Cambie", "location": "Whole Foods Market", "products": "&lt;p&gt; 510 West 8th Avenue&lt;br/&gt;Vancouver, British Columbia V5Z 1C5 CAN&lt;br/&gt;Ph. 778.370.4210&lt;br/&gt;&lt;a href=\"\\stores\\cambie\\\"&gt; More Info&lt;/a&gt;\n\t  &lt;span style=\"padding-left:20px:\"&gt; &lt;/span&gt;&lt;a onclick=\"javascript:openDirections('510 West 8th Avenue, Vancouver, British Columbia, V5Z 1C5 CAN');\" &gt; ... &lt;/p&gt;","image":"","category":"Store Location","iconfolder":"store","categorynumber":7,"status":1,"tlc":"HPK"}, {"lat": "29.706224", "lng": "-95.441226", "label": "Bellaire", "location": "Whole Foods Market", "products": "&lt;p&gt;4004 Bellaire Blvd&lt;br/&gt;Houston, Texas 77025 USA&lt;br/&gt;Ph. 713.667.4090&lt;br/&gt;&lt;a href=\"\\stores\\bellaire\\\"&gt;More Info&lt;/a&gt;\n\t  &lt;span style=\"padding-left:20px:\"&gt; &lt;/span&gt;&lt;a onclick=\"javascript:openDirections('4004 Bellaire Blvd, Houston, Texas, 77025 USA');\" &gt; ... function generateInfoHTML(label, location, products, image){ var imgtag = ""; if(image!=""){ imgtag = "&lt;img src=\"\" + image + \"\" class=\"float\" alt=\"\" + label + \"\" width=\"50\" height=\"50\" /&gt;"; } var html = "&lt;div class=\"gvendorinfo\"&gt;\" + imgtag + "&lt;p class=\"vinfo\"&gt;&lt;strong&gt;\" + label + "&lt;/strong&gt;&lt;br/&gt;&lt;span class=\"gvendor\"&gt;\" + location + "&lt;/span&gt;\" + products + "&lt;/p&gt;&lt;/div&gt;";  return html; }  loadMap(); \$("#directions_button").click(function(){ \$("#directions").toggleClass("directions-expanded", 800); return false; }); </pre> <p>data field for Highland Park store</p>